

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**SIERRA CLUB, et al.,
Plaintiffs,**

**Case No. 2:04-cv-905
Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura**

v.

**DAYTON POWER & LIGHT INC., et al.,
Defendants.**

OPINION AND ORDER

This matter is before the Court on Defendants' Petition to Terminate the Consent Decree (ECF No. 139), Plaintiffs' Response in Opposition (ECF No. 140), and Defendants' Reply Brief (ECF No. 141). This Court held a telephone status conference on this Motion on June 29, 2020. Pursuant to the agreements made at that conference and the reasons set forth in Defendants' Petition the Court **GRANTS** Defendants' Petition with the following condition subsequent: If at any time the units at issue in the Consent Decree are reactivated, they shall comply with all of the terms and conditions of the Consent Decree that was approved and entered by final judgment issued October 23, 2008, (ECF No. 107) and as amended and approved by final judgment issued July 12, 2010 (ECF No. 128). With this condition added, Plaintiffs do not oppose the granting of Defendants' Petition.

IT IS SO ORDERED.

**7/14/2020
DATE**

**s/ Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE**